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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,519	08/04/2003	Nestor Tagle	VPA1.PAU.01	6885
23386	7590	07/19/2005	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,519

Applicant(s)

TAGLE, NESTOR

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-34 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first Office Action for the serial number 10/634,519, DIN STEREO SLOT MOUNTABLE AUTOMOBILE GAGUE CLUSTER, filed on 8/4/03.

#### ***Specification***

The disclosure is objected to because of the following informalities:

On pages 3-4, section [0016] is indefinite because the paragraph is not explaining or describing the invention and that the entire of paragraph should be deleted for clarification. Figures 3, 5, 6 and 7 shows reference numbers 33-36, which are not listed in the specification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16-19,21-22,24-28,32-24 and 36 contain the trademark/trade name DIN. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular

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material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe DIN and, accordingly, the identification/description is indefinite.

Claims 20,23, and 30-31 are rejected as depending on rejected claim 19. Claim 37 is rejected as depending on rejected claim 36.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by  
US Patent # 4,313,584 to Fukunaga.

Fukunaga teaches a device (23) comprising an enclosure (37) for fitting in slot (20) of vehicle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22, 24-26 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga.

Fukunaga teaches a device (23) comprising an enclosure (37) for fitting in slot (20) of vehicle. The device includes at least one wire (35) and having at least one detent (42, 44a) having at least one metallic leaf spring detent (44a). The device includes at least one locking detent (30). The device includes a rectangular bezel (38).

Fukunaga teaches device having meter but fails to teach plurality of meters (gauge). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional meters to Fukunaga's device to provide additional information on the dashboard for status of vehicle body and engine.

In regards to claim 34, Fukunaga teaches the rectangular bezel but fails to teach the bezel is in oval shape. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified shape of Fukunaga's bezel with oval shape to improve ornament appearance on the dashboard.

Claims 27-28 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga in view of US Patent # 6,318,679 to Yang et al.

Fukunaga teaches a device (23) comprising an enclosure (37) for fitting in slot (20) of vehicle. The device includes at least one wire (35) and having at least one detent (42, 44a)

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having at least one metallic leaf spring detent (44a). The device includes at least one locking detent (30).

Fukunaga teaches the locking detent (30) with a locking tab (located on both ends of opening area in element 30 that connects to element 42) but fails to teach the locking detent comprises of at least one metallic leaf spring locking detent. Yang et al. teaches the leaf spring locking detent (34). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Fukunaga's locking detent with at least one metallic leaf spring locking detent as taught by Yang et al. to provide spring force on the locking detent for locking onto the detent when the enclosure is slid inside of slot.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga in view of US Patent # 5,376,917 to Yoshimoto et al.

Fukunaga teaches the gauge (meter) but fails to teach the gauge having a digital readout. Yoshimoto et al. teaches gauge (27') having the digital readout. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Fukunaga's meter with digital readout as taught by Yoshimoto et al. to provide designer's preference for reading the meter/gauge.

In regards to claim 30, Fukunaga in view of Yoshimoto et al. teaches the gauge having at least one gauge but fails to teach the gauge cluster having plurality of gauges with digital readouts. It would have been obvious for one of ordinary skill in the art at the time the invention

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was made to have added additional digital gauges to provide additional information on the dashboard for status of vehicle body and engine.

Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga in view of US Patent # 5,091,856 to Hasegawa et al.

Fukunaga teaches the device having gauge but fails to teach the device comprising a voltage, oil pressure and water temperature gauges/meters and the device having at least one sensor that is electronically compatible with at least one gauge. Hasegawa et al. teaches the device comprising voltage, oil pressure and water temperature gauges/meters and the device (col. 4, lines 25-31) having at least one sensor (27). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added sensor to Fukunaga's gauge as taught by Hasegawa et al to provide additional information on status of engine and an electrical control on the gauge.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 4,993,668 to Inamura

US Patent # 4,623,110 to Kanari

US Patent # 5,169,097 to Yasukawa

US Patent # 5,467,947 to Quilling, II

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US Patent # 5,779,197 to Kim

US Patent # 6,158,802 to Akagi et al.

US Patent # 6,651,936 to Upson et al.

Inamura, Kanari, Yasukawa, Quilling, II, Kim, Akagi et al. and Upson et al. teach an electronic device secured in slot of instrument.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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7/14/05